

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BILLY DALTON,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security. ~~XXXXXXXXXX~~

3:11-0909

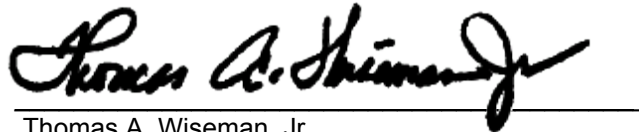
ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Bryant, Document #18, and the objection of Plaintiff thereto, Document #19. No response to the objection has been filed.

Plaintiff raises the same objections to the Report and Recommendation of the Magistrate Judge that he raised in arguments before the Administrative Law Judge. These arguments were treated at length by the Magistrate Judge in the Report and Recommendation. The finding of nondisability by the Magistrate Judge is supported by substantial evidence. Plaintiff's argument that "at least 2 hours" in an 8-hour day is in conflict with an agency definition of "frequent" of between 1/3 to 2/3 of a workday requires a remand is without merit. Multiple examinations by multiple physicians support the findings of the Administrative Law Judge. The recommendation of the Magistrate Judge that the decision of the Administrative Law Judge be affirmed is correct in fact and law. The objection is overruled.

Plaintiff's Motion for Judgment on the Record, Document #12, is **DENIED**, the decision of the Commissioner is **AFFIRMED**, and this case is **DISMISSED**.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge